# Summaries of Bills NOT Passed Relating to Political Subdivisions 2007 General Session

HB0073 Price Controls During Emergencies Act (Rep. L. Shurtliff) (Sen.) crp/rcn

This bill allows invocation of price controls during an emergency declared by the chief executive officer of a political subdivision.

This bill:

- ► allows invocation of price controls during an emergency declared by the chief executive officer of a political subdivision; and
- makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## HB0074 School Impact Fees (Rep. S. Mascaro) (Sen.) rhr/jtw

This bill modifies provisions related to impact fees to authorize school districts to impose impact fees.

This bill:

- authorizes school districts to impose an impact fee, subject to voter approval;
- expands the definition of enactment to include a local school board resolution;
- ► modifies the definition of local political subdivision to include school districts;
- requires school districts to comply with notice, hearing, voter approval, and other requirements in imposing an impact fee;
- repeals a provision prohibiting school districts from imposing impact fees;
- repeals language authorizing a local political subdivision to impose and collect impact fees on behalf of a school district if authorized under another statutory provision; and
- provides that impact fees imposed by a school district need not be paid before a county or municipality gives development approval but become a lien on property.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## HB0075 Procedures for Dividing School Districts (Rep. S. Mascaro) (Sen.) dsl/ccs

This bill modifies provisions related to an option for creation of a new school district.

This bill:

- requires a specified feasibility study to examine the impact of new school district creation on both the proposed new district and the remaining district or districts; and
- requires approval from voters in the proposed new district and the remaining portion of the existing district prior to new school district creation under a new district creation option.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

# HB0081 Highway Jurisdictional Transfer (Rep. J. Bird) (Sen.) sch/mbs

This bill modifies the Transportation Code by amending the state highway system.

- defines the Mountain View Corridor;
- creates SR-49 by transferring a portion of a local highway to the state highway system;

- modifies SR-48 upon completion of a limited-access facility within the Mountain View Corridor; and
- makes technical changes.

Fiscal note over \$10,000: N

HB0109 Municipal Voting Requirement for Sale of Public Land (Rep. N. Hansen) (Sen.) rhr/jtw

This bill modifies the Utah Municipal Code relating to a municipality's disposal of land.

This bill:

• requires voter approval of a municipality's intended disposal of a parcel of real property with a value of \$1,000,000 or more.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

HB0166 Transportation Revisions (Rep. W. Harper) (Sen. S. Killpack) sch/mbs

This bill amends provisions relating to public transit.

This bill:

- provides definitions;
- ▶ provides that if a public transit district comprised a geographical area consisting of more than one county as the boundaries of that transit district existed on January 1, 2007:
  - the counties, cities, towns, or unincorporated areas that comprised that district shall be withdrawn from the public transit district as of January 1, 2008; and
  - the public transit district shall be dissolved;
- provides procedures and requirements for the dissolution of the public transit district;
- ► repeals provisions governing the Board of Trustees for a public transit district that has more than 200,000 people residing within the district boundaries;
- imposes certain sales and use taxes for public transit as state imposed taxes rather than local option sales and use taxes and specifies certain locations where the state sales and use taxes are imposed;
- authorizes certain local option sales and use taxes for certain transportation purposes;
- requires the Department of Transportation to provide public transit services to counties, cities, towns, or unincorporated areas that are withdrawn from a public transit district;
- creates public transit project development and operations divisions within the Department of Transportation;
- enacts provisions governing the rights and obligations of employees of the Department of Transportation providing public transit services;
- enacts provisions governing public transit facilities and services provided by the Department of Transportation; and
- makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

HB0187 Eminent Domain Amendments (Rep. R. Barrus) (Sen.) rhr/jtw

This bill modifies a provision relating to eminent domain.

This bill:

modifies a provision requiring damages to be assessed on behalf of a property owner, part of whose property is being acquired by eminent domain, to provide that damages accruing to the remaining property due to construction of the improvement are to be assessed whether or not the construction actually occurs on the portion being taken; and makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: NA

HB0203 Local Option Distribution Formula for the Distribution of the Local Option Sales and Use Tax (*Rep. S. Wyatt*) (**Sen.**) ado/pvd

This bill amends the Local Sales and Use Tax Act to provide certain qualifying counties and municipalities options relating to the distribution of revenue from this local sales and use tax.

This bill:

- establishes a procedure for a qualifying county, and a two-thirds majority of the municipalities within a qualifying county, or, for a qualifying county with less than seven municipalities within the county, all of the municipalities within the qualifying county, to agree to an alternate distribution formula for certain local option sales and use tax revenues within the incorporated and unincorporated area of the qualifying county;
- provides that an agreement must be approved by a majority vote of the voters in the incorporated and unincorporated area of the qualifying county;
- provides requirements relating to an election for a vote required by this bill;
- ► provides that if the incorporated and unincorporated areas of a qualifying county adopt an alternate distribution formula described in this bill, the revenue normally paid to each municipality and qualifying county:
  - will be paid to the qualifying county; and
  - will be distributed by the qualifying county in accordance with the adopted alternate distribution formula;
- establishes requirements for an alternate distribution formula and a written agreement relating to the formula;
- establishes requirements relating to the distribution of the local option sales and use tax revenue under this bill:
- provides that, notwithstanding an alternate distribution formula adopted under this bill, a qualifying county or municipality to which the alternate distribution formula applies may not receive less revenue than it received during the same month of the year before the alternate distribution formula was adopted;
- provides an exception to the preceding paragraph by requiring that if the total distribution to the qualifying county and municipalities to which the alternate distribution formula applies is less than the total distribution received during the same month of the year before the alternate distribution formula was adopted, the distribution to the qualifying county and each municipality within the qualifying county will be proportionally reduced;
- establishes a procedure for a qualifying county, and a two-thirds majority of the municipalities within a qualifying county, or, for a qualifying county with less than seven municipalities within the qualifying county, all of the municipalities within the qualifying county, to reinstate the local option sales and use tax revenue distribution formula that applies to counties and municipalities that have not adopted an alternate distribution formula under this bill;
- defines terms; and
- makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

HB0232 Sheriff Qualifications (Rep. K. Gibson) (Sen. G. Bell) rhr/ftw

This bill modifies a provision relating to the qualifications of a sheriff.

- requires a person filing a declaration of candidacy for sheriff to submit a certificate that the candidate has met applicable standards or qualifications;
- requires sheriffs and candidates for sheriff to be certified as a correctional officer; and
- ▶ modifies the standards and training requirements applicable to sheriffs and candidates for sheriff from those of a law enforcement officer to those of a peace officer.

Fiscal note over \$10,000: N

### HB0233 Environmentally Restricted Zoning Districts (Rep. M. Morley) (Sen.) rhr/jtw

This bill amends county and municipal land use provisions.

This bill:

- enacts a definition for environmentally restricted zoning districts;
- authorizes counties and municipalities to enact an ordinance creating an environmentally restricted zoning district, but only if specified conditions are met;
- ▶ limits the factors on which a county or municipality may base an environmentally restricted zoning district;
- ► limits the ability of counties and municipalities to deny a land use application for land located within an environmentally restricted zoning district;
- requires approval of a land use application to the extent that land located within an environmentally restricted zoning district complies with requirements, even if the remainder does not;
- establishes a presumption in favor of a land use application relating to land located within an environmentally restricted zoning district;
- provides an option for review by binding arbitration of an appeal authority's decision on a land use application for land located within an environmentally restricted zoning district; and
- requires a court to award a reasonable attorney fee to a prevailing applicant in a court review of an appeal authority's final decision of a land use application relating to land located within an environmentally restricted zoning district.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

# HB0296S01 Approval of Subdivisions (Rep. G. Froerer) (Sen. D. Eastman) rhr/jtw

This bill modifies county and municipal land use development and management provisions relating to subdivisions.

This bill:

- eliminates a requirement for a planning commission recommendation before a person may record a subdivision plat; and
- requires county and municipal land use authorities to give notice and hold a public hearing before approving a subdivision plat.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

#### HB0298 County Trust Fund Amendments (Rep. J. Mathis) (Sen.) rhr/jtw

This bill modifies provisions relating to county tax stability and trust funds.

- authorizes a county legislative body to return interest and income from a tax stability and trust fund to the fund or to add the interest and income to the county's general fund; and
- increases the maximum allowable balances in a tax stability and trust fund and indexes those maximum allowable balances to inflation.

Fiscal note over \$10,000: N

HB0303 Campaign Finance Filing Requirements (Rep. G. Hughes) (Sen. M. Dayton) enw/bnc

This bill modifies the Election Code and the Utah Municipal Code to amend certain requirements for compliance with campaign finance reporting provisions.

This bill:

- requires strict compliance for filing deadlines when a petition is brought to the district court regarding compliance with campaign finance reporting provisions;
- requires the election filing officer to provide each qualified candidate with a copy of current campaign financial disclosure laws and to inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;
- requires the candidate, in the declaration of candidacy, to promise to file all campaign financial disclosure reports as required by law and to acknowledge that failure to do so will result in the candidate's disqualification for this office and removal of the candidate's name from the ballot; and
- ► makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

HB0305 County Appointed Officers (Rep. K. Grover) (Sen.) rhr/jtw

This bill modifies provisions relating to county officers.

This bill:

- ► makes the county offices of treasurer, sheriff, clerk, auditor, recorder, surveyor, and assessor appointed rather than elected;
- requires those officers to be appointed by:
  - the county executive, with the consent of the county legislative body, in a county operating under a county executive-council form of government; and
  - the county commission or council, in a county operating under another form of government; and
- makes technical and conforming changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

HB0306 Municipal License Fees and Taxes Amendments (Rep. G. Hughes) (Sen.) rhr/jtw

This bill modifies a provision relating to municipal license fees and taxes.

This bill:

- ► limits a disproportionate rental fee to \$21 per unit; and
- relieves a municipality of an obligation to update its municipal services study every four years if it has not raised its disproportionate rental fee since the last municipal services study.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

HB0334S03 Eminent Domain (Rep. A. Tilton) (Sen. C. Bramble) rhr/jtw

This bill modifies provisions relating to eminent domain.

- establishes a task force to study issues related to eminent domain and provides for task force membership, duties, compensation, and reporting requirements;
- clarifies an exclusion from a public use relating to trails, paths, or other ways for walking, hiking, bicycling,

equestrian use, or other recreational uses for which eminent domain may not be used;

- excludes emergency access ways and open land as public uses for which eminent domain may be used;
- excludes certain parks from the scope of what is a public use for purposes of eminent domain; and
- expresses legislative intent concerning S.B. 117 passed during the 2006 General Session and this bill.

This bill appropriates:

- ▶ \$8,000 to the Senate; and
- ► \$21,000 to the House of Representatives.

Fiscal note over \$10,000: Y

HB0348S01 County Government Reform (Rep. M. Brown) (Sen. M. Waddoups) rhr/jtw

This bill modifies county government provisions.

This bill:

- prohibits the election of county officers on a nonpartisan basis;
- ► authorizes voters to petition for and then vote on a repeal of a previously adopted optional plan to return the county's form of government to the form the county operated under before the optional plan was adopted; and
- makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

HB0372S01 Local District Amendments (Rep. R. Lockhart) (Sen. C. Bramble) rhr/jtw

This bill modifies provisions related to local districts that provide transportation service.

This bill:

- removes a restriction against a local district providing the same service as another political subdivision if the service the district provides is transportation; and
- ▶ prohibits transit district sales and use tax revenues already pledged to pay bonded indebtedness from being paid to or used by a later created public transit district.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

HB0398 Sales and Use Tax Incentive Payment by a County or Municipality (Rep. S. Wyatt) (Sen.) ado/pvd

Bill Numbered by Title Without any Substance

Fiscal note over \$10,000: NA

HB0401 Government Boundary Changes (Rep. K. Holdaway) (Sen.) rhr/jtw

Bill Numbered by Title Without any Substance

Fiscal note over \$10,000: NA

HB0408 County and Municipalities Boundary Adjustments (Rep. S. Andersen) (Sen.) rhr/jtw

Bill Numbered by Title Without any Substance

Fiscal note over \$10,000: NA

HB0436 Municipal Energy Sales and Use Tax Revisions (Rep. G. Hughes) (Sen.) rhr/jtw

This bill modifies a provision relating to the municipal energy sales and use tax.

This bill:

requires a reduction in the amount of the natural gas portion of the municipal energy sales and use tax in

December 2008 after adjusting for growth;

- provides definitions; and
- makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## HB0450 Law Enforcement Districts (Rep. M. Walker) (Sen. C. Bramble) rhr/jtw

This bill modifies provisions relating to special districts and local districts to establish a separate process for the creation of a county service area to provide extended police protection services.

This bill:

- authorizes the creation of a county service area and a local district for extended police protection service by resolution of the legislative body of the participating county and the legislative body of participating municipalities without the necessity of voter approval under certain circumstances;
- adds extended police protection as a service that a local district may provide;
- provides for the composition of the board of trustees of a county service area for extended police protection services;
- authorizes law enforcement duties to be performed by law enforcement officers, rather than the county sheriff, operating under the direction of an interlocal entity or county service area in which the county is a participant;
- requires the county sheriff to establish service levels and service priorities for law enforcement services provided by a county service area or interlocal entity to the unincorporated area of the county;
- requires an interlocal agreement that creates an interlocal entity to provide law enforcement services to an unincorporated area of a county to provide that the county sheriff be a member of the local entity's governing body;
- establishes a higher tax rate limit than other county service areas for a county service area that provides extended police protection service;
- requires the county and the municipalities included within a county service area for extended police protection to reduce their certified tax rate to offset the cost of extended police protection services;
- imputes a tax imposed by a police district to the county or municipality included within the district for purposes of the county or municipality's tax limit;
- adds police districts to provisions that provide for:
  - automatic annexation to the district when an area is annexed to a municipality within the district;
  - automatic withdrawal from the district when an area within the district is annexed to a municipality that is not within the district; and
  - an alternate method of withdrawing an area within a municipality from the district upon resolution of the municipal legislative body and a vote of voters within the municipality; and
- makes conforming changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

#### HB0454 Voting Machines Used by Municipalities (Rep. N. Hansen) (Sen. E. Mayne) enw/bnc

This bill makes amendments to provisions in the Election Code governing costs assessable for administering an election.

This bill:

• provides that costs assessed by a government entity in relation to a municipal election or a bond or leeway election may not exceed the actual cost to the government entity accessing the fees or charges.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## HB0457 Municipal Amendments (Rep. C. Herrod) (Sen.) rhr/jtw

This bill modifies provisions of the Utah Municipal Code related to the appointment and removal of certain officials.

This bill:

requires the advice and consent of the municipal council or legislative body with respect to the removal of department heads and officers and employees, commissions, boards, and committees, and for planning commission members.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

# SB0067 Utah Public Notice Website Provisions (Sen. D. Stowell) (Rep.) enw/bnc

This bill establishes Title 63F, Chapter 1, Part 7, Utah Public Notice Website, which establishes a statewide public notice website, requires notice of public meetings to be posted to the website, and permits public entities to post notice on the website and to abbreviate the notice published in the newspaper.

This bill:

- ► modifies notice requirements in the Interlocal Cooperation Act to ensure compliance with notice provisions of the Open and Public Meetings Act;
- ► amends the Open and Public Meetings Act to require notice of meetings to be posted on the Utah Public Notice Website;
- amends the duties of the Division of Archives and Records Service;
- authorizes the Division of Archives and Records Service, with the technical assistance of the Department of Technology Services, to establish and maintain a Utah Public Notices Website;
- requires the website to be easily accessible to the public;
- provides requirements for the website;
- provides that responsibility for the content of notices posted and the timing of notices posted is the responsibility of the public body posting the notice;
- permits a public body to post notice to the website and to abbreviate the notice published in the newspaper, if the public body:
  - is not prohibited from doing so by another law or rule;
  - posts to the website all of the information that would have been required to be published in the newspaper;
  - posts the notice on the website for at least the period required for newspaper publication; and
  - publishes a brief summary of the website posting and the address of the website in the newspaper on the dates required by law;
- requires the Division of Archives and Records Service to keep a historical archive of all notices posted to the website; and
- requires the Division of Archives and Records Service to provide public bodies with notice of the provisions of the part and to provide training, as necessary, on the use of the website.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

SB0079 Local Community Rail Security Act (Sen. E. Mayne) (Rep.) sch/mbs

This bill modifies the Transportation Code by amending provisions relating to rail security.

This bill:

provides definitions;

- enacts flag, milepost marker, and sign requirements for railroad corporations;
- enacts the Local Community Rail Security Act;
- requires operators of a rail facility to submit a risk assessment and an infrastructure protection program to the Division of Emergency Services and Homeland Security;
- specifies the requirements for a risk assessment and an infrastructure protection program;
- enacts security requirements for rail facilities that handle hazardous cargo;
- enacts communications capability requirements for rail operators; and
- provides a severability clause for the Local Community Rail Security Act.

Fiscal note over \$10,000: N

SB0088 Uniform Real Property Electronic Recording (Sen. L. Hillyard) (Rep.) crp/rcn

This bill adopts the Uniform Real Property Electronic Recording Act.

This bill:

- ► defines terms:
- provides for the validity and recording of electronic documents; and
- creates the Electronic Recording Commission to adopt standards for recording electronic documents.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

SB0130 Municipal Code Amendments (Sen. D. Eastman) (Rep.) rhr/jtw

This bill modifies Utah Municipal Code provisions relating to municipal annexation and disconnection. This bill:

- authorizes a municipality to annex an unincorporated area without an annexation petition if the area is owned by and contiguous to the municipality;
- eliminates a provision requiring a petitioner seeking to disconnect an area from a municipality to prove that the disconnection will not leave or create an unincorporated island or peninsula; and
- ► makes leaving or creating an unincorporated island or peninsula a factor that a court must consider in determining whether a petitioner seeking to disconnect an area from a municipality has met the petitioner's burden of proof.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

SB0141S01 Commission and Council Seats in Counties of the First and Second Class (Sen. S. Killpack) (Rep.) rhr/jtw

This bill modifies provisions relating to the election of county legislative body members in counties of the first and second class.

This bill:

- requires counties of the first and second class to submit to voters a question whether county council or commission members should be elected by district;
- states the phrasing for the ballot measure; and
- requires county council or commission members to be elected by district if the measure is approved by voters.

No monies are appropriated in this bill.

Fiscal note over \$10,000: NA

SB0145 Multi-channel Video or Audio Service Tax - County or Municipality Franchise Fee Tax Credit (Sen. W. Niederhauser) (Rep. W. Harper) rlr/brh

This bill amends the Multi-Channel Video or Audio Service Tax Act to provide a nonrefundable tax credit for a multi-channel video or audio service provider and require that the multi-channel video or audio service provider pass through an amount equal to the tax credit to purchasers located within the state.

This bill:

- ► defines terms:
- provides a nonrefundable tax credit for a multi-channel video or audio service provider;
- requires a multi-channel video or audio service provider to pass through an amount equal to the tax credit to purchasers located within the state;
- provides that a tax on amounts paid or charged for multi-channel video or audio service may not be reduced as a result of the amount a multi-channel video or audio service provider passes through to its customers within this state; and
- makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

SB0172 Municipal Land Use, Development, and Management Changes (Sen. S. Killpack) (Rep. S. Urquhart) rhr/jtw

This bill modifies a municipal land use, development, and management provision relating to property owned by other governmental units.

This bill:

• excludes a permitted or conditional use water or sewer facility from a municipality's land use and other requirements under certain circumstances.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

SB0185S02 Utility Improvement District Revisions (Sen. K. VanTassell) (Rep. M. Brown) rhr/jtw

This bill modifies a provision of the Utah Underground Conversion of Utilities Law.

This bill:

- ▶ adds definitions for "point of delivery" and "service entrance equipment";
- modifies a utility's responsibility regarding the construction work to be done in the conversion of facilities from overhead to underground;
- modifies the notice that a county or municipality is required to give to property owners in an improvement district for the conversion of overhead facilities to underground;
- ► modifies provisions related to the conversion of overhead utility facilities to underground and an owner's responsibilities; and
- modifies a provision relating to the cost of converting facilities from overhead to underground.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

SB0187 Utah Relocation Assistance Act Amendments (Sen. L. Hillyard) (Rep. G. Snow) crp/rcn

This bill addresses relocation assistance payments to a person displaced by an agency's acquisition of real property.

- requires relocation assistance payments to certain persons displaced by an agency's acquisition of real property;
- ► addresses the amount of relocation assistance required;

- provides for a statutory payment in lieu of any payment authorized by an agency's rules; and
- makes technical changes.

Fiscal note over \$10,000: N

SB0220 Water Conservancy Districts - Selection of Board of Trustees (Sen. W. Niederhauser) (Rep.) rhr/jtw This bill modifies a provision relating to water conservancy district boards of trustees. This bill:

- modifies the process of nominating persons for selection as board of trustees members for a water conservancy district comprised of five or more counties, one of which is a county of the first class; and
- authorizes political subdivisions in a county of the first class that have water contracts or petitions with the district to submit nominees for the selection of board of trustees members.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

SB0237 Land Use Development and Management Act Amendments (Sen. G. Bell) (Rep.) rhr/jtw Bill Numbered by Title Without any Substance Fiscal note over \$10.000: NA

SB0256 County Attorney Amendments (Sen. G. Davis) (Rep.) rhr/jtw

This bill modifies provisions relating to county attorney duties.

This bill:

- modifies the duties of a county attorney by:
  - eliminating the duty to report annually to the attorney general on criminal prosecutions; and
  - adding a duty to assist the attorney general to collect criminal justice data through participating and assisting in the development of an integrated criminal justice information system.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N